

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

FILED  
98 JAN 15 PM 1:06  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

JONATHAN DeCARLE,

Plaintiff,

vs.

CV 97-B-0094-S

RALPH HOOKS, Warden, et al.,

Defendants.

ENTERED  
JAN 15 1998 *km*

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on November 24, 1997, recommending that plaintiff's motion for summary judgment (Document #33) be denied; that defendants' motions for summary judgment be granted; and that this action pursuant to 28 U.S.C. § 1983 be dismissed with prejudice. On January 6, 1998, plaintiff filed a "Motion to Appeal and Object [to] Magistrate's Recommendation for Claim[s] to be Dismissed with Prejudice" (Document #46) and a "Motion for Summary Judgment and Objection to Magistrate's Dismissal with Prejudice" (Document #47).

Plaintiff's "Motion to Appeal and Object [to] Magistrate's Recommendation for Claim[s] to be Dismissed with Prejudice" (Document #46) will be construed as a request by plaintiff to the undersigned United States District Judge to review the magistrate judge's November 24, 1997, Report and Recommendation. Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed thereto by plaintiff, the Court is of the opinion that the magistrate judge's report is due to be and is hereby

ADOPTED and the recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motions for summary judgment are due to be GRANTED; plaintiff's motions for summary judgment (Documents #33 and #47) are due to be DENIED, and the complaint is due to be DISMISSED WITH PREJUDICE. An appropriate order will be entered.

DATED this 15<sup>th</sup> day of January, 1998.

Sharon Lovelace Blackburn  
SHARON LOVELACE BLACKBURN  
UNITED STATES DISTRICT JUDGE